

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x
JUSTIN COHEN AND KYALA SCHENCK,

Plaintiffs,

-against-

**STIPULATION AND
ORDER OF VOLUNTARY
DISMISSAL PURSUANT
TO FED. R. CIV. P.
41(a)(1)(A)(ii)**

THE CITY OF NEW YORK; MAYOR BILL DE BLASIO;
NEW YORK CITY POLICE DEPARTMENT (“NYPD”)
COMMISSIONER DERMOT SHEA; NYPD CHIEF OF
DEPARTMENT TERENCE MONAHAN; NYPD OFFICER
THOMAS DEMERY; NYPD OFFICER MIGUEL
MARQUEZ; NYPD OFFICER ADNAN HUSSAIN; NYPD
OFFICER MICHAEL HABER; NYPD DEPUTY
INSPECTOR “FNU” LEWIS and NYPD MEMBERS JOHN
AND JANE DOES 1-14,

21-CV-4821 (AMD) (RML)

Defendants.
----- x

WHEREAS, plaintiffs Justin Cohen and Kyala Schenck commenced this action by filing a complaint on August 26, 2021, an amended complaint on January 31, 2022, and a second amended complaint on May 31, 2022, alleging that defendants City of New York, Mayor Bill De Blasio, NYPD Commissioner Dermot Shea, NYPD Chief of Department Terence Monahan, NYPD Police Officer Adnan Hussain, NYPD Police Officer Thomas Demery, Police Officer Miguel Marquez, NYPD Police Officer Michael Haber, NYPD Deputy Inspector “FNU” Lewis, and NYPD Members John and Jane Does 1–14 violated plaintiffs’ federal and state civil rights; and

WHEREAS, defendants Mayor Bill De Blasio, NYPD Commissioner Dermot Shea, and NYPD Chief of Department Terence Monahan have denied any and all liability arising out of plaintiffs’ allegations; and

WHEREAS, the parties now desire to resolve certain issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. Justin Cohen and Kyala Schenck dismiss without prejudice, and without costs or attorney's fees to any party, all claims against defendants Mayor Bill De Blasio, NYPD Commissioner Dermot Shea, and NYPD Chief of Department Terence Monahan.

2. Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, any and all of the claims arising out of the facts and circumstances that are the subject of this action that were or could have been asserted on behalf of plaintiffs Justin Cohen and Kyala Schenck against defendants Mayor Bill De Blasio, NYPD Commissioner Dermot Shea, and NYPD Chief of Department Terence Monahan are hereby dismissed and discontinued without prejudice, and without costs or attorney's fees to any party.

3. This Stipulation and Order contains all the terms and conditions agreed upon by counsel for defendants Mayor Bill De Blasio, NYPD Commissioner Dermot Shea, and NYPD Chief of Department Terence Monahan and counsel for plaintiffs Justin Cohen and Kyala Schenck, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

4. Nothing contained herein shall be deemed to be an admission by defendants Mayor Bill De Blasio, NYPD Commissioner Dermot Shea, and NYPD Chief of Department Terence Monahan that they have in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules, or regulations

of the United States, the State of New York, or the City of New York or any other rules, regulations, or bylaws of any department or subdivision of the City of New York.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.


6. This Stipulation shall be binding upon the parties immediately upon signature and shall be submitted to the Court for entry as an Order.

Dated: New York, New York
July 14, 2022

COHEN & GREEN P.L.L.C.
1639 Centre Street, Suite 216
Ridgewood, New York 11385
(929) 888-9480

JEFFREY F. FRANK
Assistant Corporation Counsel
New York City Law Department
100 Church Street
New York, New York 10007
(212) 356-3541

By: /s/
J. Remy Green
Attorney for Plaintiffs

By: 
Jeffrey F. Frank
*Attorney for Defendants City,
De Blasio, Shea, Monahan, Hussain,
Demery, Marquez, and Haber*

SO ORDERED: s/Ann M. Donnelly
HONORABLE ANN M. DONNELLY
UNITED STATES DISTRICT JUDGE

DATE: July 15, 2022